

Memorandum

To: Funeral Directors/Embalmers and Other Interested Parties
From: Kris Chiles, Section Administrator
Date: February 8, 2005

FUNERAL DIRECTING AND EMBALMING SUMMARY OF CHANGES TO THE REGULATIONS

Effective **January 19 2005**, the Regulations Governing Funeral Directing and Embalming (172 NAC 67), and Branch Establishments and Funeral Establishments (172 NAC 68) have changed. This memorandum provides you with a summary of changes to the regulations; but is not inclusive of every change, therefore, we have enclosed a copy for your review.

RENEWAL (172 NAC 67)

Continuing Competency replaces the term "continuing education" and licensees may now obtain continuing competency through methods of training/education (items c, d, and f are new):

- a. **Academic Credit:**
 - One semester hour of academic credit equals 15 continuing competency credit hours; and
 - One-quarter hour of academic credit equals 10 continuing competency credit hours;
- b. **Home Study:** A maximum of 8 hours of credit per a biennial renewal period may be obtained through home study programs;
- c. **Jurisprudence Examination:** 4 hours will be granted for licensees who complete the Jurisprudence Examination, the examination must be taken at least 1 time every 10 years;
- d. **Tours:** 1 hour will be granted for each 60 minutes of participation. A licensee may earn up to 4 hours per biennium renewal period;
- e. **District/State/National Association Meetings:** 1 hour will be granted for attending a District, State, and/or National Meeting. A licensee may earn up to 8 hours per biennium renewal period;
- f. **Exhibits/Displays:** 1 hour per program will be granted for viewing exhibits/displays. A licensee may earn up 4 hours per biennium renewal period; and
- g. **Continuing Education Programs (Workshops/Lectures):** 60 minutes of participation equals 1 continuing competency hour.

Acceptable Continuing Competency Topic Areas: The Board will no longer review programs for approval. In order for a continuing competency activity/program to be accepted for renewal or reinstatement of a license, the activity, as listed in the above section, must include one or a combination of the following topic areas:

- a. Communication/Media;
- b. Counseling/Arbitration;
- c. Customer relations;
- d. Disaster training;
- e. Embalming practice;
- f. Funeral directing practice;
- g. Management (stress/personnel/business);
- h. Marketing/advertising;
- i. Personal development; or
- j. Pre-need.

Attestation: At the time of renewal, a licensee will attest to completing 16 hours of continuing competency hours earned within 24 months of the date of his/her license expiration date. What does 'attest' mean? This means that you will no longer list the specific names, dates, etc. of the programs you attended; you will now list only the number of hours you earned in each of the continuing competency categories, sign your name and date the form; your signature does not have to be notarized.

Jurisprudence Examination: Effective 1-1-2006, you must take the Jurisprudence Examination at least 1 time every 10 years. The test will be open book and sent to you through the mail upon request. For taking the test, you will be awarded 4 hours of continuing competency hours.

RECIPROCITY (172 NAC 67)

Education or Practice: Applicants applying by reciprocity will be able to use practice time in lieu of the required coursework areas. The applicant must still have 60 hours of college/university semester hours (in addition to mortuary school) and either have:

- a. The following coursework:
 - (1) 6 semester hours of English;
 - (2) 6 semester hours of accounting;
 - (3) 8 semester hours of chemistry;
 - (4) 12 semester hours of biological science relating to the human body; and
 - (5) 6 semester hours of psychology or counseling;

OR

- b. 5 years of practice as a licensed or credentialed Funeral Director and Embalmer in another state immediately prior to application. A year of apprenticeship does not constitute licensure/certification in this case. It must be 5 years of practice beyond the year of apprenticeship.

ESTABLISHMENTS AND INSPECTIONS (172 NAC 68)

There are a number of changes relating to establishments; thus we suggest you carefully review 172 NAC 68, specifically sections 68-004 through 68-012.

FEES

The following chart outlines the change in fees:

PEOPLE	CURRENT FEE	NEW FEE
Initial License as a Funeral Director and Embalmer	200	25
Renewal Fee – Funeral Director and Embalmer	200	25
Renewal Fee – Funeral Director OR Embalmer	100	15
Apprentice Fee	50	10
Inactive Fee	35	25
Reinstatement Fee within 1 year (non-payment of renewal)	50	35
Reinstatement Fee more than 1 year (non-payment of renewal)	75	75
Reinstatement Fee following Discipline	0	75

ESTABLISHMENTS

Initial or Renewal for a Funeral Establishment	150	25
Initial or Renewal for a Branch Establishment	100	20
Establishment Name Change	10	10
Establishment Change in Location	75	25
Establishment Change in Manager	25	10
Reinstatement Less than 1 year	50	35

ADMINISTRATIVE PENALTIES

Practice Prior to Licensure: An individual who practices or an establishment that operates prior to issuance of a license is subject to assessment of an Administrative Penalty of \$10 per day up to \$1,000, or such other action as provided in the statutes and regulations governing the credential.

Practice after Renewal Expiration: An individual who practices or an establishment that operates after expiration of a license (renewal date of February 1 even numbered years), is subject to assessment of an Administrative Penalty of \$10 per day up to \$1,000, or such other action as provided in the statutes and regulations governing the credential.

CONVICTIONS

While the following information is not new, we would like to take this opportunity to provide a reminder of the requirements.

A license to practice a profession may be denied, refused renewal, limited, revoked, or suspended or have other disciplinary measures taken against it in accordance with section 71-155 when the applicant, licensee, or registrant is guilty of any of the acts or offenses listed in 71-147 or 71-148. One of these grounds which is commonly unreported is:

Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's, licensee's, certificate holder's, or registrant's fitness or capacity to practice the profession;

If you have ever had a misdemeanor or felony conviction, or have been disciplined by another state Board, you are required to report this information in writing. Failure to report or disclose is also grounds for discipline. If you are not sure if a ticket or arrest resulted in a misdemeanor or felony conviction, we suggest you contact the county court where the action was taken to assure you are reporting all convictions.

In addition to reporting the conviction or disciplinary action in writing, you are also required to submit the following:

- Official Court Record, which includes charges and disposition.
- Copies of arrest records.
- A letter from the licensee/certificate holder explaining the nature of the conviction.
- All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required.
- A letter from the probation officer addressing probationary conditions and current status, if the licensee/certificate holder is currently on probation.
- If your license/certificate in health care in another state has been revoked, suspended, limited or disciplined in any way, an official copy of the disciplinary action, including charges and disposition.

NOTE: If you have any criminal charges or license disciplinary actions pending that results in conviction or license discipline, **you are required to report such actions to this department** within 30 days.

WEB SITE

We are currently working on expanding the Funeral Directing/Embalming website, which provides you with licensing information, board information, a copy of the regulations/statutes, how to file a complaint, etc. The web site is: <http://www.hhs.state.ne.us/crl/profindex1.htm>

You can also check the licensee records and print a verification of a license (which is considered primary source verification) at: <http://www.hhs.state.ne.us/lis/lis.asp>

CONTACT FOR QUESTIONS

If you have any questions, contact Rita Watson at 402-471-4918 or rita.watson@hhss.ne.gov